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June 17, 2024

VIA ECF

Special Master Hon. Thomas Vanaskie
Stevens & Lee
425 Biden Street, Suite 300
Scranton, PA 18503

**Re: *In re Valsartan, Losartan, and Irbesartan Products Liability
Litigation***
USDC, District of New Jersey, No. 1:19-md-2875-RBK-KMW

Dear Judge Vanaskie:

Pursuant to the Order issued on June 4, 2024 (Dkt. No. 2741), Defendants in the losartan and irbesartan cases respectfully submit this agenda letter in advance of the June 21, 2024 conference and provide Defendants' positions with respect to the topics on the agenda for the conference.

1. Stipulation of Dismissal of Certain Claims in Losartan and Irbesartan Cases

Pursuant to Judge Kugler's prohibition on filing motions to dismiss absent leave, Defendants in the losartan and irbesartan cases have not filed motions to dismiss. In the interest of conserving the Court's and the parties' resources, the parties have negotiated a proposed stipulation and order on dismissal of certain losartan and irbesartan claims. Specifically, if approved by



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the Court, that stipulation and order would effectively apply Judge Kugler's prior rulings regarding dismissal of valsartan claims to those Plaintiffs' losartan and irbesartan claims, while reserving all rights to challenge the claims at other stages of the litigation and on appeal. The parties are prepared to file a motion for entry of the proposed stipulation and order by Judge Bumb at the Court's convenience.

2. Revisions to Third-Party Payor Plaintiff Fact Sheet

In accordance with their email correspondence to the Special Master on May 24, 2024, on June 17, 2024, the parties jointly submitted a request to the Special Master via email for entry of a revised Third-Party Payor Plaintiff Fact Sheet for the losartan and irbesartan cases. The proposed revised Third-Party Payor Plaintiff Fact Sheet makes two substantive revisions to the Third-Party Payor Plaintiff Fact Sheet previously approved by Special Master Order No. 92 (Dkt. No. 2636): (1) the language regarding production of record retention policies in section V.B.1 is slightly modified; and (2) the form of Exhibit A referenced in section V.A.11 is attached, as it was missing from the previously



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approved Third-Party Payor Plaintiff Fact Sheet. The parties agree on both of these requested revisions.

3. Status Regarding Consumer Economic Loss Plaintiff Fact Sheet

The parties have met and conferred and are close to finalizing an agreed proposed Consumer Economic Loss Plaintiff Fact Sheet for the losartan and irbesartan cases. One outstanding issue remains. Defendants anticipate resolving this remaining issue and submitting the proposed agreed Consumer Economic Loss Plaintiff Fact Sheet for the losartan and irbesartan cases to the Court for approval in the near term. If agreement cannot be reached on the one remaining issue, the parties will request guidance from the Court.

4. Production of Losartan and Irbesartan Dispensing Data

The Pharmacy Defendants are working to respond to a subpoena sent to them to produce structured dispensing data relating to losartan and irbesartan.¹

Responses are currently due July 8, 2024. This production will redact Protected

¹ Because some of the Pharmacy Defendants are not proper defendants in losartan or irbesartan cases, the parties agreed that Pharmacy Defendants would produce this dispensing data pursuant to a subpoena to preserve all defenses regarding party status.



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Health Information (“PHI”), as that phrase is defined in the Health Insurance Portability and Accessibility Act of 1996, and as directed under the Court’s Amended Confidentiality and Protective Order (Dkt. No. 1661).

Additionally, the parties are working to submit a joint PHI order regarding production of unredacted PHI for the Aurobindo irbesartan settlement. The parties anticipate circulating a proposed joint order shortly. The Pharmacy Defendants will then provide PHI for dispensing data relating to Aurobindo’s irbesartan, to be used in the settlement process.

5. Proposed Scheduling Order for Losartan/Irbesartan

Defendants will be prepared to discuss the scheduling of specific losartan and/or irbesartan discovery to be taken by the parties at the June 21st conference. With respect to discovery from the Manufacturer Defendants, Plaintiffs and individual Defendants have conducted initial meet & confers over Plaintiffs’ request for 30(b)6 corporate representative depositions, topics and timing, and, in some instances, Defendants have asked Plaintiffs to identify which, if any, specific individuals with personal fact knowledge Plaintiffs seek to depose. The timing of these depositions has not yet been agreed, as the



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parties anticipated receiving instruction from Judge Bumb regarding the focus and direction of the MDL at the upcoming conference with Judge Bumb. Defendants anticipate requesting that the Court enter a comprehensive Rule 16 scheduling order governing the losartan and irbesartan cases. Defendants in the losartan and irbesartan cases propose to meet and confer with Plaintiffs prior to submission of a proposed Rule 16 scheduling order in the hope that the parties can reach agreement on a schedule.

Very truly yours,

/s/ Jeffrey D. Geoppinger

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cc: All Counsel of Record (via ECF)

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